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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

Case No. 21-11034-A-7

ESPERANZA HANSEN GONZALEZ,
Debtor.

Chapter 7

ABLP PROPERTIES VISALIA, LLC, a
Delaware limited liability company,

Adversary Proceeding No.: 21-01031

Plaintiff,

v.

ANSWER TO PLAINTIFF'S COMPLAINT
TO DETERMINE DISCHARGEABILITY
OF CERTAIN DEBT [11 U.S.C. § 523]

ESPERANZA HANSEN GONZALEZ,
Defendant.

Defendant ESPERANZA HANSEN GONZALEZ ("**Defendant**") for her answer
admits, denies, and avers as follows:

JURISDICTION AND VENUE

1. Responding to paragraph 1 of the complaint, Defendant admits the allegations
contained therein.

4. Responding to paragraph 4 of the complaint, Defendant admits the allegations contained therein.

8. Responding to paragraph 8 of the complaint, Defendant admits the allegations contained therein.

12. Responding to paragraph 12 of the complaint, Defendant admits that Magnolia Park Assisted Living is an assisted living facility operated on the Douglas Property, but denies the remaining allegations in that paragraph.

1 13. Responding to paragraph 13 of the complaint, Defendant admits the allegations
2 contained therein.

3 14. Responding to paragraph 14 of the complaint, Defendant admits the allegations
4 contained therein.

5 15. Responding to paragraph 15 of the complaint, Defendant admits the allegations
6 contained therein.

7 16. Responding to paragraph 16 of the complaint, Defendant admits the allegations
8 contained therein.

9 17. Responding to paragraph 17 of the complaint, Defendant admits the allegations
10 contained therein.

11 18. Responding to paragraph 18 of the complaint, Defendant admits the allegations
12 contained therein.

13 19. Responding to paragraph 19 of the complaint, Defendant admits the allegations
14 contained therein.

15 20. Responding to paragraph 20 of the complaint, Defendant admits the allegations
16 contained therein.

17 21. Responding to paragraph 21 of the complaint, Defendant admits the allegations
18 contained therein.

19 22. Responding to paragraph 22 of the complaint, Defendant lacks sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in that
21 paragraph, and on that basis denies each and every allegation therein.

22 23. Responding to paragraph 23 of the complaint, Defendant lacks sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained in that
24 paragraph, and on that basis denies each and every allegation therein.

25 24. Responding to paragraph 24 of the complaint, Defendant admits that ABLP
26 conducted a non-judicial foreclosure sale of the Douglas Property, but denies the remaining
27 allegations contained therein.

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1 25. Responding to paragraph 25 of the complaint, Defendant admits that ABLP
2 conducted a non-judicial foreclosure sale of the Lewis Lane Property, but denies the remaining
3 allegations contained therein.

4 26. Responding to paragraph 26 of the complaint, Defendant lacks sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in that
6 paragraph, and on that basis denies each and every allegation therein.

7 **FIRST CLAIM FOR RELIEF**

8 27. Responding to paragraph 27 of the complaint, Defendant incorporates her prior
9 admissions and denials as though fully set forth herein.

10 28. Responding to paragraph 28 of the complaint, Defendant lacks sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained in that
12 paragraph, and on that basis denies each and every allegation therein.

13 29. Responding to paragraph 29 of the complaint, Defendant lacks sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in that
15 paragraph, and on that basis denies each and every allegation therein.

16 30. Responding to paragraph 30 of the complaint, Defendant denies the allegations
17 contained therein.

18 31. Responding to paragraph 31 of the complaint, Defendant denies the allegations
19 contained therein.

20 32. Responding to paragraph 32 of the complaint, Defendant lacks sufficient
21 knowledge or information to form a belief as to the truth of the allegations contained in that
22 paragraph, and on that basis denies each and every allegation therein.

23 33. Responding to paragraph 33 of the complaint, Defendant admits the allegations
24 contained therein.

25 34. Responding to paragraph 34 of the complaint, Defendant denies the allegations
26 contained therein.

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1 35. Responding to paragraph 35 of the complaint, Defendant lacks sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in that
3 paragraph, and on that basis denies each and every allegation therein.

4 36. Responding to paragraph 36 of the complaint, Defendant lacks sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained in that
6 paragraph, and on that basis denies each and every allegation therein.

7 37. Responding to paragraph 37 of the complaint, Defendant lacks sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in that
9 paragraph, and on that basis denies each and every allegation therein.

10 38. Responding to paragraph 38 of the complaint, Defendant admits to submitting a
11 Commercial Loan Application with ABLP REIT, but denies every other allegation therein.

12 39. Responding to paragraph 39 of the complaint, Defendant lacks sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained in that
14 paragraph, and on that basis denies each and every allegation therein.

15 40. Responding to paragraph 40 of the complaint, Defendant denies the allegations
16 contained therein.

17 41. Responding to paragraph 41 of the complaint, Defendant denies the allegations
18 contained therein.

19 42. Responding to paragraph 42 of the complaint, Defendant denies the allegations
20 contained therein.

21 43. Responding to paragraph 43 of the complaint, Defendant lacks sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained in that
23 paragraph, and on that basis denies each and every allegation therein.

24 44. Responding to paragraph 44 of the complaint, Defendant lacks sufficient
25 knowledge or information to form a belief as to the truth of the allegations contained in that
26 paragraph, and on that basis denies each and every allegation therein.

27 45. Responding to paragraph 45 of the complaint, Defendant denies the allegations
28 contained therein.

SECOND CLAIM FOR RELIEF

46. Responding to paragraph 46 of the complaint, Defendant incorporates her prior admissions and denials as though fully set forth herein.

47. Responding to paragraph 47 of the complaint, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in that paragraph, and on that basis denies each and every allegation therein.

48. Responding to paragraph 48 of the complaint, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in that paragraph, and on that basis denies each and every allegation therein.

49. Responding to paragraph 49 of the complaint, Defendant admits to submitting a Commercial Loan Application with ABLP REIT, but denies every other allegation therein.

50. Responding to paragraph 50 of the complaint, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in that paragraph, and on that basis denies each and every allegation therein.

51. Responding to paragraph 51 of the complaint, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in that paragraph, and on that basis denies each and every allegation therein.

52. Responding to paragraph 52 of the complaint, Defendant denies the allegations contained therein.

53. Responding to paragraph 53 of the complaint, Defendant denies the allegations contained therein.

54. Responding to paragraph 54 of the complaint, Defendant denies the allegations contained therein.

55. Responding to paragraph 55 of the complaint, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in that paragraph, and on that basis denies each and every allegation therein.

1 56. Responding to paragraph 56 of the complaint, Defendant lacks sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in that
3 paragraph, and on that basis denies each and every allegation therein.

4 57. Responding to paragraph 57 of the complaint, Defendant denies the allegations
5 contained therein.

6 **AFFIRMATIVE DEFENSES**

7 **Statements not made by Debtor**

8 Plaintiff cannot prove that each and every oral or written statement attributed to Debtor
9 was made by Debtor.

10 **No Intent to Defraud**

11 To the extent any written or oral statements were made by Debtor, Plaintiff cannot
12 prove that at the time Defendant made the alleged fraudulent statements to Plaintiff, that
13 Defendant intended to defraud Plaintiff.

14 **No False Statements**

15 Plaintiff cannot prove that any of the written or oral statements allegedly made by
16 Defendant in connection with the loan, modification, subordination, or notes were false.

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18 **PRAYER FOR RELIEF**

19 WHEREFORE, Defendant prays:

- 20 1. That the Complaint be dismissed with prejudice as to this Defendant and that
21 Plaintiff takes nothing thereby;
22 2. For costs of suit; and
23 3. For such other and further relief as the Court may deem just and proper.

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25 Dated: September 8, 2021

HARRIS LAW FIRM, PC

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27 By: 

Justin D. Harris, Attorneys for
Defendant Esperanza Hansen Gonzalez